

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

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**IN RE: YASMIN AND YAZ  
(DROSPIRENONE) MARKETING, SALES  
PRACTICES AND PRODUCTS LIABILITY  
LITIGATION**

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)  
) **3:09-md-02100-DRH-PMF**  
)  
) **MDL No. 2100**  
)

**This Document Relates to:**

<i>Kaitlyn Lester, et al. v. Bayer Corporation, et al.</i> <sup>1</sup>	No. 3:11-cv-13373-DRH-PMF
<i>Dawn Lindley, et al. v. Bayer Corporation, et al.</i> <sup>2</sup>	No. 3:11-cv-12574-DRH-PMF
<i>Kimberly Lopez, et al. v. Bayer Corporation, et al.</i> <sup>3</sup>	No. 3:13-cv-10369-DRH-PMF
<i>Evelyn Masters, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> <sup>4</sup>	No. 3:13-cv-10435-DRH-PMF
<i>Michelle Maynard, et al v. Bayer Schering Pharma AG, et al.</i> <sup>5</sup>	No. 3:11-cv-10337-DRH-PMF
<i>Lisa McCall, et al v. Bayer Corporation, et al.</i> <sup>6</sup>	No. 3:13-cv-10492-DRH-PMF
<i>Jessica McDaniel, et al v. Bayer Corporation, et al.</i> <sup>7</sup>	No. 3:13-cv-10096-DRH-PMF
<i>Victoria Melton, et al v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> <sup>8</sup>	No. 3:10-cv-13664-DRH-PMF
<i>Carrie Miller, et al v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> <sup>9</sup>	No. 3:13-cv-10475-DRH-PMF
<i>Jamie Milligan, et al v. Bayer Corporation, et al.</i> <sup>10</sup>	No. 3:12-cv-10699-DRH-PMF

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<sup>1</sup> This order applies to only plaintiff Betty Glover.

<sup>2</sup> This order applies to only plaintiff Paula Muscarella.

<sup>3</sup> This order applies to only plaintiff Stephanie Figueroa.

<sup>4</sup> This order applies to only plaintiff Misty Grantham.

<sup>5</sup> This order applies to only plaintiff Aurora Abousaid.

<sup>6</sup> This order applies to all plaintiffs in the *McCall* case: Lisa McCall, Katie McLean, Becky Milkovitz, Rebecca Monahan, and Dana Moore.

<sup>7</sup> This order applies to only plaintiff Sindyrell Johnson.

<sup>8</sup> This order applies to only plaintiff Victoria Melton.

<sup>9</sup> This order applies to all plaintiffs in the *Miller* case: Carrie Miller, Danielle Miller, Amanda Mosley, Carmen Richerson, and Rebecca Sande.

<i>Dawnette Montes, et al v. Bayer Corporation, et al.</i> <sup>11</sup>	No. 3:10-cv-20265-DRH-PMF
<i>Julie Mora, et al v. Bayer Corporation, et al.</i> <sup>12</sup>	No. 3:13-cv-10496-DRH-PMF
<i>Allicia Myers, et al v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> <sup>13</sup>	No. 3:13-cv-10474-DRH-PMF
<i>Rebecca Parker, et al v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> <sup>14</sup>	No. 3:13-cv-10480-DRH-PMF
<i>Zaida Perez, et al v. Bayer Pharmaceuticals Corporation, et al.</i> <sup>15</sup>	No. 3:10-cv-12240-DRH-PMF
<i>Tawnya Portwood, et al v. Bayer Corporation, et al.</i> <sup>16</sup>	No. 3:12-cv-11405-DRH-PMF
<i>Leslie Rhinehart, et al v. Bayer Corporation, et al.</i> <sup>17</sup>	No. 3:11-cv-13555-DRH-PMF
<i>Yvonne Richardson Campbell, et al v. Bayer Corporation, et al.</i> <sup>18</sup>	No. 3:11-cv-12333-DRH-PMF
<i>Sara Roberson, et al v. Bayer Corporation, et al.</i> <sup>19</sup>	No. 3:13-cv-10499-DRH-PMF
<i>Jade Ruiz, et al v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> <sup>20</sup>	No. 3:13-cv-10479-DRH-PMF

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<sup>10</sup> This order applies to only plaintiff April Cabrera.

<sup>11</sup> This order applies to only plaintiff Kelly Blalock.

<sup>12</sup> This order applies to only plaintiffs Rachelle Niell, Katie Patridge, and Cassandra Richardson.

<sup>13</sup> This order applies to all plaintiffs in the *Allicia Myers* case: Allicia Myers, Rachel Simpkins, Tessa Strange, Jennifer Vasquez, and Beatriz Zamarripa.

<sup>14</sup> This order applies to only plaintiffs Rebecca Parker, Huckleberry Rarh, Danielle Rhodes, and Erika Rolbiecki.

<sup>15</sup> This order applies to only plaintiff Katie McClaren.

<sup>16</sup> This order applies to only plaintiff Britney Lewis.

<sup>17</sup> This order applies to only plaintiff Lorelei Holm.

<sup>18</sup> This order applies to only plaintiff Yvonne Richardson Campbell.

<sup>19</sup> This order applies to only plaintiffs Sara Roberson, Nahathie Rodriguez, Jennifer Soule, and Caitlin Strole.

<sup>20</sup> This order applies to all plaintiffs in the *Jade Ruiz* case: Jade Ruiz, Angie Still, Myisha Thomas, Lauren Topolosky, and Jennifer Walter.

## **ORDER REGARDING MOTION TO DISMISS WITH PREJUDICE**

### **HERNDON, Chief Judge:**

On April 25, 2014, Bayer filed a motion seeking with prejudice dismissal, of the above captioned plaintiffs' claims. The motion seeks dismissal, pursuant to Case Management Order 60 ("CMO 60"), for failure to submit *any* Claim Package Materials.<sup>21</sup>

Pursuant to the Court's local rules, the plaintiffs had 30 days to file a responsive pleading. None of the above captioned plaintiffs filed a responsive pleading. At the expiration of the responsive pleading deadline, as is required under CMO 60, the motion was considered by Special Master Stephen Saltzburg.<sup>22</sup> On June 3, 2014, Special Master's Saltzburg's report and recommendation relating to the above captioned cases was docketed. Special Master Saltzburg found that the subject plaintiffs failed to comply with the requirements of CMO 60 and recommended that the subject plaintiffs' claims be dismissed with prejudice in accord with the requirements of CMO 60.

In each case, the parties were given 14 days to respond or object to Special Master Saltzburg's report and recommendation. The 14 day deadline for

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<sup>21</sup> Pursuant to the "Settlement Agreement," Exhibit A to CMO 60, plaintiffs enrolled in the Gallbladder Resolution Program are required to submit to the Claims Administrator all the Claim Package Materials identified in Section 3.03(a) of the Settlement Agreement. Section 3.01 of the Settlement Agreement fixed November 18, 2013 as the deadline for submission of a complete Claims Package. The subject motion asserts that the plaintiffs have failed to comply with this requirement.

<sup>22</sup> Section VIII of CMO 60 "appoints Professor Stephen Saltzburg as Special Master to hear motions to dismiss claims that fail to comply with the terms of the Agreement, and to recommend to this Court rulings on such motions, as specified in the Agreement" (Doc. 2739 p. 8).

responding or objecting to the Special Master's report has expired. None of the above captioned plaintiffs has responded or objected.

Upon consideration of Bayer's motion to dismiss, the Special Master's report, and the requirements of CMO 60, the Court finds that the above captioned plaintiffs have failed to comply with CMO 60. Accordingly, the Court adopts Special Master Saltzburg's report and recommendation. The above captioned plaintiffs' claims are **DISMISSED WITH PREJUDICE** for failure to comply with the requirements of CMO 60.

**SO ORDERED:**

 Digitally signed by  
David R. Herndon  
Date: 2014.06.24  
09:34:09 -05'00'



**Chief Judge**  
**United States District Court**

**Date: June 24, 2014**